

First Ministers' Meeting February 14, 2022

Summary:

- **PM Trudeau advises the federal government is considering invoking the Emergencies Act (EA) as a tool to complement PT and municipal measures to in order to respond to blockades, bolster confidence in public institutions and provide a disincentive for future events. The PM noted that all Canadians are frustrated with the pandemic but the protests are not about COVID-19 nor are they peaceful.**
- **Minister Lametti outlined the EA measures currently being considered:**
 - **Regulation and prohibition of public assembly that leads to a breach of peace.**
 - **Designating and securing designated locations where assemblies are prohibited.**
 - **Directions persons to conduct essential services, such as towing in support of the economy.**
 - **Authorizing financial institutions to take action like regulating or prohibiting activity to fund blockades.**
 - **Authorizing the RCMP to enforce provincial laws and municipal bylaws.**
 - **Fines or imprisonment for contravening Section 19 of the Emergencies Act.**
- **The PM served notice that the call fulfills the legislatively required consultation with PTs on the proposed use of the EA and that a House of Commons vote was required within 7 days of a declaration and a public inquiry would follow. The PM also committed to continued intergovernmental engagement on potential EA measures.**
- **PT reaction was mixed, with strong support for federal action from ON, YK, and NL. Others, including AB, SK, NS and NB were not supportive, believing sufficient legal and operational capacities were already in place. Opposing PTs raised particular concern that using the EA could further inflame tensions at a time when there has been some progress, such as in reopening the Ambassador Bridge, and after several PTs have also scheduled the easing and elimination of their public health restrictions. Several PTs also called for the federal government to announce a plan to begin easing federal restrictions. QC noted that it does not want the application of the Emergencies Act to apply in QC, and it does not want a local RCMP presence.**
- **The PM also advised that there is a high likelihood that Russia will act in an aggressive way against Ukraine this week and noted that Western leaders are united in their support for Ukrainian sovereignty and territory.**

Detailed Notes:

Prime Minister (PM) – opening remarks: the protests occurring across the country are no longer about COVID-19 measures nor are they peaceful and seeking Premiers input about how to address them. The PM noted the importance of allowing peaceful protest and underscored the role of foreign actors and funding are playing to support current events, which are also being echoed around the world. The PM is concerned the protests are threatening jobs and already strained supply chains, undermining investor confidence and the Canadians' confidence in public institutions. He is seeking proportionate and appropriate action that creates strong disincentives to deter future events.

PM Trudeau commended some jurisdictions, such as ON, who have declared a State of Emergency and NS who have acted with threats of fines for blocking highways. The PM encouraged other PTs to consider similar actions and offered to help facilitate discussions.

The federal EA requires consultation with PTs and PM Trudeau noted the importance of a united and coherent approach following any declaration. The PM reminded Premiers that the EA was not invoked in Spring 2020 after Premiers advised it was not necessary but believes this time the situation is different and there is a national emergency.

The federal government is not considering using the Canadian Armed Forces in any form and believes the proposed time-limited EA measures are compliant with the Charter of Rights and Freedoms, the rule of law and intended to complement, not supersede or displace PT action.

PM Trudeau advised that should the EA be invoked, the federal government would work with PTs on next steps on how to use the new authorities in the right way to calm the situation and prevent further blockades. The proposed measures are time-limited, scalable, proportional, and allow the federal government to add or remove specific locations and procedures. Invoking the EA will require the declaration of a national emergency with a House of Commons vote within 7 days of its declaration and a subsequent public inquiry.

The PM will be sending a letter to Premiers later today outlining further details and Minister Lametti quickly outlined the proposed measures being considered:

- Regulation and prohibition of public assembly that leads to a breach of peace.
- Designating and securing designated locations where assemblies are prohibited.
- Directions persons to conduct essential services, such as towing in support of the economy.
- Authorizing financial institutions to take action like regulating or prohibiting activity to fund blockades.
- Authorizing the RCMP to enforce provincial laws and municipal bylaws.
- Fines or imprisonment for contravening any Emergencies Act order.

PM Trudeau signalled that the federal government will be looking to lift restrictions soon, but based on science and noted that federal restrictions are much more limited than PT restrictions, typically involving international borders and air travel.

PM Trudeau also advised that there is a significant risk that Russia may take aggressive action against Ukraine this week. He has indicated he has been in discussions with world leaders, including President Biden, President Zelensky and others who are united in their support for Ukrainian sovereignty and territory.

PT Roundtable on the proposed federal EA measures:

- BC – Premier Horgan signalled soft support but noted that BC protests are shrinking in size and raised concerns with RCMPs resourcing as concerns with implementation.
- YK – Premier Silver indicated strong support for the proposed measures and inquired about position of federal opposition leaders. PM Trudeau indicated he would be discussing the proposed measures with opposition later today.
- NWT – Premier Cochrane expressed support noting NWT did not have sufficient capacity to address any protests that may come north. She was clear that she was worried about bloodshed and did not support the use of the Canadian Armed Forces, similar to her position during the Transmountain Pipeline protests. Premier Cochrane asked to be re-engaged should military engagement be contemplated.
- AB – Premier Kenney provided an update on the efforts to resolve the blockade at the Coutts border crossing, noting that only about 10% of original protestors were remaining and advised of a February 13 RCMP operation where a number of individuals were arrested along with the seizure

of weapons, bullets and tactical gear. Premier Kenney sympathized with the need to consider federal EA action but does not believe it is necessary, expressing strong concern that such action would inflame tensions and be viewed as a serious provocation by protestors. Premier Kenney advised AB had sufficient authorities to deal with the situation and encouraged PM Trudeau to lay out a reopening plan, including the reconsideration of the vaccine mandate for truckers.

- SK – Similar to AB, Premier Moe expressed concern that the proposed federal action would inflame tensions. He lauded the efforts of local officers to engage with protest organizers, which resulted in a protest near a SK border crossing that allowed traffic to continue. Premier Moe noted many charges laid at the Ambassador Bridge were criminal code charges (e.g. mischief) already available, encouraged the federal government to lay out a reopening plan to take the temperature down and sought clarity on what additional tools were required. In response, Min. Lametti advised that the measures would allow more flexibility to coordinate police forces and allow RCMP involvement to protect critical infrastructure.
- MB – Premier Stefanson raised concerns the proposed measures could inflame the situation, advised that MB has the appropriate tools in place to respond and called on the federal government to lay out a plan to reduce restrictions. Premier Stefanson also advised she had a recent call with Governor Burgum where they both discussed concerns with the vaccine mandate for truckers and asked for an update on discussions with President Biden. PM Trudeau signalled discussions are ongoing but reminded that President Biden is free to act in areas of his own jurisdiction.
- NU – Premier Akeeagok did not express support or opposition to the proposed measures, indicating he will review them first. He advised the blockades are affecting food supply across NU and expressed support for Ontario's recent emergency declaration.
- ON – Premier Ford expressed strong support for federal action, noting they addressed key concerns including that they were time bound, location specific with continued engagement amongst First Ministers. He advised the closure of the Ambassador Bridge cost \$3B, has harmed Canada's reputation and equated it to being as serious as if AB pipelines were cut-off. Premier Ford expressed support for the recent action by police and Mayor Tory in responding to the protests in Toronto but noted particular difficulty in securing resources, like tow trucks.
- QC – Premier Legault was clear that some protests, such as the one in Ottawa, were unacceptable and that he supports federal action in PTs who agree to it. He advised that QC police have the protests under control and the RCMP was not required in QC while also noting the need to avoid inflaming the situation.
- NB – Premier Higgs noted that before the protests, NB invoked their emergencies act and announced their pathway to lifting restrictions, which has helped reduce the number of people protesting. If the measures are needed to address the Ottawa situation, Premier Higgs encouraged a narrow application, questioned the need for national application and encouraged the federal government to revisit the trucker vaccine mandate.
- PEI – Premier King expressed caution for the proposed measures. He indicated the protests have been more minor and raised concerns about over-politicizing the response.
- NS – Premier Houston expressed similar concern as many PTs that the proposed measures would inflame tensions, noting NS has the required tools in place to address any issues and encouraged the federal government to lay out a reopening plan.
- NL – Premier Furey expressed strong support for the federal measures, noting that without them it could inflame the silent majority who are calling for action. He noted that there weren't currently supply chain issues in the Atlantic region but called for firm and decisive action if supply chains impacted.